**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**W.P. No. 4118 of 2003**

**Oral order**:

The petitioner is an ex-Sarpanch of Kanakal village, Pudur Mandal, Ranga Reddy District. He was elected as Sarpanch in the year 1995. He being the Sarpanch, claims has executed works under J.G.S.Y. and G.P. funds to the tune of Rs.62,616/-. After executing the works, the petitioner states that he raised the bills, but no payment was released, and in the meantime, his term as Sarpanch came to an end, and the 1st respondent was elected as Sarpanch. The petitioner states that on 08.11.2001, he made representation to the respondents to release the monies spent by him. Acting on the said representation, the petitioner states that the 3rd respondent issued proceedings dated 15.11.2001, directing the 1st respondent to make payment of the bills duly verifying the J.G.S.Y. and G.P. records, and also directed the Extension Officer to ensure the settlement of the claim if found genuine by verifying the M.Bs. and other G.P. records and report compliance. It is the case of the petitioner that despite such proceedings of the 3rd respondent, the 1st and 2nd respondents have not released the payments. Hence, he filed the present writ petition.

The respondents filed detailed counter. The learned Government Pleader for Panchayat Raj appearing on behalf of the respondents reiterating the counter averments submitted that pursuant to the orders dated 15.11.2001 of the 3rd respondent, the 2nd respondent has submitted report dated 30.01.2002 stating that the petitioner has not handed over the records to the 1st respondent and

that the petitioner has also not audited the records of the Gram Panchayat from 1995-96 to 2000-01 and of J.G.S.Y. from 1997-98 to 2000-01 as also T.F.C., and requested the petitioner to hand over the records to the 1st respondent, who was requested to get the audit done of the entire records to enable further action to be taken in the matter. As the petitioner has not handed over the records, they are unable to implement the orders dated 15.11.2001 of the 3rd respondent.

Despite passing over the matter to 2.15 p.m., neither the petitioner nor his counsel appears, nor is there any representation made on their behalf. No reply reply-affidavit is filed by the petitioner denying the stand taken by the respondents in their counter averments that he had not handed over the records.

Though the 3rd respondent directed release of the bills to the petitioner, the fact remains, he has directed the 1st and 2nd respondent to release the same after verifying the relevant record. As can be seen from the counter, the 2nd respondent submitted report stating that the petitioner has not handed over the relevant records to the 1st respondent and that no audit was got done by petitioner for the period he was Sarpanch, and that the petitioner even failed to handover the records to the 1st respondent despite directions. In the absence of any records, it is difficult for the 1st and 2nd respondents, to release payments of the petitioner, as directed by the 3rd respondent. Since the petitioner is seeking release of the bills, it is for him to establish his claim, and in the absence of his establishing claim, no direction can be given by this Court to respondent Nos. 1 and 2 to release the payments, and more particularly, in violation of the orders of the 3rd respondent.

For the foregoing reasons, I find no merit in the writ petition, and

the same is accordingly dismissed. No costs.

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**N.V. RAMANA, J.**

**Dated: 18th July, 2007.**
**KSR**